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ATTORNEYS FOR PLAINTIFF  
 RICHARD NOLL

IN THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

RICHARD NOLL, Individually and on  
 behalf of all others similarly situated,

Plaintiff,

v.

EBAY INC., EBAY EUROPE S.A.R.L.,  
 and EBAY INTERNATIONAL AG

Defendants.

CASE NO. 5:11-CV-04585-EJD

**STIPULATION AND ~~PROPOSED~~ ORDER**  
**EXTENDING TIME FOR PLAINTIFF TO**  
**RESPOND TO MOTION TO DISMISS BY**  
**EBAY EUROPE S.A.R.L. AND EBAY**  
**INTERNATIONAL AG AND REPLY**

Date: March 2, 2012

Time: 10:00 a.m.

Judge: Hon. Edward J. Davila

Courtroom: 1, 5<sup>th</sup> Floor

Trial Date: Not yet set

This Stipulation is entered into pursuant to Local Rules 6-2 and 7-12, by and between  
 Plaintiff Richard Noll ("Plaintiff") and Defendants eBay Europe S.A.R.L. ("eBay Europe") and

1 eBay International AG (“eBay International”) (collectively, the “Parties”), by and through their  
2 respective counsel.

3 WHEREAS, Plaintiff filed his Complaint in the above-entitled action in the United States  
4 District Court for the Northern District of California on September 15, 2011;

5 WHEREAS, eBay Europe and eBay International are both international entities that were  
6 served using the applicable service procedures set forth in the Hague Convention on the Service  
7 Abroad of Judicial and Extra-Judicial documents in Civil and Commercial Matters;

8 WHEREAS, the Parties previously stipulated to an extension for eBay Europe and eBay  
9 International to answer or otherwise respond to the Complaint, until December 16, 2011, and  
10 agreed to set a hearing on any motion to dismiss for March 2, 2012;

11 WHEREAS, on December 16, 2011, eBay Europe and eBay International filed their  
12 Motion to Dismiss Complaint (Doc. 40) (the “Motion to Dismiss”);

13 WHEREAS, under Civil Local Rule 6-2, parties may stipulate in writing to request an  
14 extension of the time within which to respond to the Motion to Dismiss and for Defendants to  
15 file a reply thereto;

16 WHEREAS, various counsel for Plaintiff are on pre-planned vacations during the 14-day  
17 response period and seek a one-week extension of the response deadline, until January 6, 2012,  
18 and counsel for eBay Europe and eBay International have requested a like extension to their  
19 reply deadline to accommodate their docket, until January 20, 2012;

20 WHEREAS, extending the date for Plaintiff to respond to the Motion to Dismiss and for  
21 eBay Europe and eBay International to file a reply thereto as set forth below will not alter the  
22 date of any event or deadline already fixed by Court order;

1 NOW THEREFORE, the Parties agree and request Plaintiff's deadline to respond to the  
2 Motion to Dismiss be extended until January 6, 2012, and that the deadline to file a reply thereto  
3 be extended to January 20, 2012;

4 AGREED:

5 By: /s/ Raymond E. Walker  
6 Keith R. Verges  
7 Parker D. Young  
8 Raymond E. Walker

By: /s/ Whitty Somvichian  
John C. Dwyer  
Whitty Somvichian  
James M. Penning  
Kara C. Wilson

9  
10 PURSUANT TO STIPULATION IT IS SO ORDERED:

11  
12 Dated: December 28, 2011

  
UNITED STATES DISTRICT JUDGE

13  
14  
15 FILERS ATTESTATION:

16 Pursuant to General Order No. 45, 5X(B) regarding signatures, I attest under penalty of  
17 perjury that the concurrence in the filing of this document has been obtained from its signatories.

18 Dated: December 22, 2011

By: /s/ Raymond E. Walker  
Raymond E. Walker

19  
20  
21 **CERTIFICATE OF SERVICE**

22 I hereby certify that all counsel of record will be served with a copy of this document via  
23 the Court's CM/ECF system pursuant to the local rules of this Court, on this 22<sup>nd</sup> day of  
24 December, 2011.

25 /s/ Raymond E. Walker  
26 Raymond E. Walker  
27